

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SURGE TRANSPORTATION, INC.

Plaintiff,

v.

DIRECT CONNECT LOGISTIX, INC.

and

MATTHEW R. MAY

Defendants.

Case No. 1:24-cv-2099

AMENDED NOTICE OF REMOVAL OF CIVIL ACTION

Defendants Direct Connect Logistix, Inc. (“Direct Connect”) and Matthew R. May, by counsel, in a civil action brought by Plaintiff Surge Transportation, Inc. (“Surge Transportation”), which was previously pending as Case No. CL-2023-0015318 in the Circuit Court of Fairfax County, Virginia, hereby jointly Amend their previously filed Notice of Removal (Dkt. 1), which was filed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, on the grounds that the action was believed to be between diverse parties with more than \$75,000 in controversy. Defendants state as follows:

1. On October 27, 2023, Plaintiff filed a complaint against Defendants in the Circuit Court of Fairfax County (“State Court”), styled and captioned as *Surge Transportation, Inc. v. Direct Connect Logistix, Inc., et al*, and assigned Case No. CL-2023-0015318 (the “State Court Case”). (Dkt. 1-1.)

2. Plaintiff is a Florida corporation with its principal place of business in Florida. (*See* Dkt. 1-1, ¶ 2.) Therefore, for diversity purposes, Plaintiff is a citizen only of the state of Florida.

3. Direct Connect is an Indiana corporation, with its principal place of business in Indiana. (*See id.*, ¶ 5.) Therefore, for diversity purposes, Direct Connect is a citizen only of the State of Indiana.

4. At the time the State Court Case was filed, Mr. May was domiciled, and permanently resided, in the State of New York. (*See id.*, ¶ 6.) Therefore, for diversity purposes, Mr. May was a citizen of New York at the time the State Court Case was initiated.

5. The initial Notice of Removal incorrectly stated that Mr. May was still domiciled in New York at the time of removal. However, prior to the Notice of Removal, Mr. May relocated his domicile to the State of Florida.

6. In light of this correction, this Court does not appear to have jurisdiction of the action. *See, e.g., Lilla v. Progressive Marathon Ins. Co.*, 2023 WL 3431230, at *2 (E.D. Va. 2023) (requiring complete diversity at both the time of commencement and removal).

7. Concurrent with the filing of this Amended Notice of Removal, the parties have filed a Joint Motion to Remand to State Court.

Dated: November 25, 2024

Respectfully submitted,

/s/ Micah E. Ticatch
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*Counsel for Defendants Direct Connect
Logistix, Inc. and Matthew May*

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of November I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send notice to the following:

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